

IT CAME FROM MEECH LAKE

Version 1.3

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Pierre Trudeau, in his presentation to the Joint Committee of the House of Commons and Senate on the 'Meech Lake Accord' constitutional proposals, employed the following argument, which is of some logical interest:

— Pierre Trudeau —

"I shall take you back to Philosophy I and put a logical alternative to you. Either the phrase "distinct society" means nothing, or it means something. If it is meaningless, I find it rather insulting and I think that is the opinion, if I read the documents correctly, that Senator Murray presented to this committee. If this phrase is meaningless, has no constitutional impact, well, it is rather insulting for Quebec to be told, "Okay, you are a distinct society, but you shall have no more powers than the others, basically you are no more distinct than the others." Because Newfoundland also claims to be a distinct province, and certainly British Columbia and many others. So you Quebecers will be told that you constitute a distinct society, but do not count on the Constitution to give you powers to preserve or develop or protect this distinct society.

"When you are told in subsection 3 of section 2:

The role of the legislature and government of Quebec to preserve and promote the distinct identity of Quebec . . . is affirmed.

all you are being told is that it is your duty, your role, to govern the province well. The other provinces do not have to be told that, because they are sensible enough to govern themselves properly without being told.

"But you Quebecers are a distinct society, and it is the Government of Quebec's role to govern that province well. No special powers, nothing extra goes with that; it is just a statement of sociological reality which would apply to any other province.

"Well, all I can tell you, ladies and gentlemen, is that if you take that view of the interpretative clause, you are in for some nasty surprises later on. Because you just have to read what the representatives of the Quebec government have said to their constituents publicly, in the National Assembly and in the newspapers.

"Either the phrase 'distinct society' means nothing, or it means something."

They see things differently; they feel that if the lawmakers, and all the more so the Constitution writers, say something, they want their words to have meaning. And personally, I cannot blame Quebecers for thinking so. It is an old legal principle that legislators do not engage in empty rhetoric. That can happen, but not when writing laws.

"Thus we have to examine the hypothesis that "distinct society" means something. And what does it mean? Obviously there is much disagreement about that. You have only to read the testimony of some people. of the Premier OF Quebec, of his Minister of Intergovernmental Affairs, Mr. Rémillard, and you will see that they give it a pretty broad meaning.

"Apply the distinct society clause to the Canadian Charter of Rights, for example. The crucial importance of the Charter meant that we all share a set of common values and that all Canadians are thence on an equal footing; whether they be Quebecers, Albertans, French, English, Jewish, Hindu, they all have the same rights. No one is special. All Canadians are equal, and that equality flows from the Charter.

"As soon as you say, "Well, Quebec is unique under the Constitution, we can administer ourselves, we do not need this Charter"—and I think that is the effect of the distinct society clause—what do you do? You eat away and undermine further the Canadian spirit that is so essential to unity. . .

"There. In conclusion, Mr. Chairman, I can just say that the future may not be as peaceful as the present. It was said after the Accord that finally peace had been restored to federal-provincial relations. Yes, peace! But at what price? Did the federal government somewhere, with a few commas or ellipsis points, obtain one iota of additional power? The answer is no. Did the provinces receive powers? Well, everything I just named gives more power to the provinces.

"So, we have made peace, but how? First, by giving the provinces everything they wanted. I assure you that I could have had peace, that Mackenzie King could

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have had peace, that John A. Macdonald could have had peace with the provinces, if they had given them everything they asked for. So that peace has been dearly bought. And I predict that it will be a temporary peace, because the next federal-provincial conference already has on its agenda further transfers of powers to the provinces, Newfoundland in particular. All the provinces will say, "Me too, gimme." And that will be the story in the future: Provincialism triumphant.

"Second, we have made peace with Quebec by letting it believe that "distinct society" means Two Nations. If the courts hold that it does have that meaning, Canada is doomed. If they hold otherwise, Quebec will have been tricked, and the howls of protest will strengthen separatism. One way or another, Meech Lake may mean the peace of the grave for the Canada we know and love.¹"

Perhaps some of the reasoning can be represented as hypothetical (Conditional Proof), based on the hypothesis that the Meech Lake Accord is adopted, and then taking the form of a dilemma, helped along with some hypothetical syllogisms.

HYPOTHETICAL REASONING

1. Meech Lake adopted
2. Meaningless **or not**-Meaningless
3. **If Meaningless then** Quebec insulted & tricked
4. **If Quebec insulted & tricked then Separatism**
5. [**If Meaningless then Separatism**]
6. **If Separatism then Canada doomed**
7. **If Meaningless then** Canada doomed
8. **If not**-Meaningless **then** Two Nations
9. **If Two Nations then Canada doomed**
10. **If not**-Meaningless **then** Canada doomed
11. Canada doomed
12. **If Meech Lake adopted then** Canada doomed

The reasoning could also be represented in a form that replaces the hypothetical syllogisms with inner boxes of hypothetical reasoning:

HYPOTHETICAL REASONING

1. Meech Lake adopted
2. Meaningless **or not**-Meaningless
3. Meaningless
4. Quebec insulted & tricked
5. Separatism
6. Canada doomed
7. **If Meaningless then** Canada doomed
8. **not**-Meaningless
9. Two Nations
10. Canada doomed
11. **If not**-Meaningless **then** Canada doomed
12. Canada doomed
13. **If Meech Lake adopted then** Canada doomed

1. Donald Johnston, ed., *With a Bang, Not a Whimper: Pierre Trudeau Speaks Out* (Toronto: Stoddard, 1988), pp. 33-5.